

UNITED STATES DISTRICT COURT  
FOR THE  
DISTRICT OF MASSCHUSTTS

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DR. ROBERT LEDERER,

Plaintiff,

v.

JOHN SNOW, INC. AND  
THE JOHNS HOPKINS UNIVERSITY  
CENTER FOR COMMUNICATION  
PROGRAMS,

Defendants

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CIVIL ACTION NO.  
04-CV-10284-NG

**JOHN SNOW, INC'S MOTION FOR SUMMARY JUDGMENT  
- AND -  
REQUEST FOR ORAL ARGUMENT**

Defendant John Snow, Inc. ("John Snow") hereby moves for summary judgment pursuant to Federal Rule of Civil Procedure 56(b) with respect to plaintiff Robert Lederer's sole claim for breach of oral contract.

Robert Lederer's claim for breach of an oral contract for a long term consulting position fails as a matter of law under the parol evidence rule based the undisputed fact that Lederer signed an unambiguous written contract for a "short term" consulting position "for a maximum of 14 working days." Summary judgment is eminently fair in light of Lederer's admission that he read and understood the contract before he signed it and that he expected the contract would govern the terms and conditions of his engagement.

Lederer's contract claim also fails based on the undisputed fact that Lederer was a subcontractor to The Johns Hopkins University Center for Communication Programs, and it, not John Snow, was responsible to pay Lederer's salary. Given that John Snow is not liable for any salary that may be owed (and that John Snow long ago fully reimbursed Lederer's out-of-pocket expenses), John Snow is entitled to summary judgment as a matter of law based on the undisputed facts.

In support hereof, John Snow relies on the following, submitted herewith:

1. John Snow, Inc's Statement Of Material Undisputed Facts And Legal Elements;
2. Affidavit of Counsel Andrew F. Caplan, and exhibits thereto; and
3. Affidavit of Kennth J. Olivola,

Respectfully submitted,  
JOHN SNOW, INC.  
By its Attorneys,

s/ Andrew F. Caplan  
Andrew F. Caplan, BBO #564127  
Perkins Smith & Cohen LLP  
One Beacon Street, 30th Floor  
Boston, MA 02108  
(617) 854-4000

Dated: August 15, 2005

### **REQUEST FOR ORAL ARGUMENT**

John Snow, Inc. hereby requests a hearing on its summary judgment motion, pursuant to this Court's Scheduling Order dated May 19, 2005 and LR 7.1(D).

s/ Andrew F. Caplan  
Andrew F. Caplan

**LR 7.1 CERTIFICATION**

I hereby certify that plaintiff's counsel David Stein and I held the conference required by LR 7.1 by telephone on August 12, 2005.

s/ Andrew F. Caplan

Andrew F. Caplan

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